

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

In the Matter of)	
)	
Advanced Television Systems)	
and Their Impact upon the)	MM Docket No. 87-268
Existing Television Broadcast)	
Service)	
)	

To: The Commission

OPPOSITION TO PETITION FOR RECONSIDERATION

Guy Gannett Communications ("Guy Gannett"), licensee of station WICS-TV, NTSC Channel 20, Springfield, Illinois, by its attorneys, and pursuant to 47 C.F.R. § 1.429(f), hereby opposes the Petition for Reconsideration ("Petition") of the *Sixth Report and Order* in MM Docket No. 87-268, FCC 97-115 (released April 21, 1997) ("*Sixth R&O*"), filed June 13, 1997, by Midwest Television, Inc. ("Midwest"). Midwest requests that the Commission consider changing the DTV Table of Allotments so that its licensed station, WCIA-TV, Champaign, Illinois, would not receive interference on its NTSC Channel 3 from signals transmitted by DTV Channel 3 of WBBM-TV, Chicago, Illinois. Guy Gannett wholly supports the Commission's movement toward full implementation of digital television ("DTV") and applauds the Commission's efforts to bring this new television service quickly to the American public. Accordingly, Guy Gannett urges the Commission to reject attempts by parties at this late stage to shift the burden of modification to stations other than themselves and otherwise delay the transition to DTV.

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WBBM-TV, NTSC Channel 2 in Chicago, Illinois, licensed to CBS, Inc., was assigned DTV Channel 3 in the *Sixth R&O*.^{1/} WCIA-TV in Champaign operates on NTSC Channel 3 in the adjacent Champaign & Springfield-Decatur, Illinois DMA. In its petition, Midwest, licensee of WCIA-TV, requests that WBBM-TV's DTV allotment be changed to some unspecified channel because the digital transmissions from Chicago could create new co-channel interference with WCIA-TV's NTSC operations in some of the northern portions of its coverage area.

Guy Gannett, as licensee of WICS-TV in Springfield, opposes Midwest's petition to the extent that Midwest seeks a new DTV allotment for WBBM-TV in Chicago. WICS-TV and WCIA-TV are located in the same DMA.^{2/} Midwest's petition attempts to shift the burden to WBBM-TV of resolving the supposed interference problem and of demonstrating that Midwest's proposal is unacceptable. This burden-shifting approach is quite inappropriate as it acts to slow the introduction of DTV to the American public (as opposed to, *e.g.*, WCIA-TV providing a specific, sufficiently supported, feasible proposal). This is especially true of Midwest's request because it concerns the Chicago market, which is among those markets slotted for the earliest transition to digital television. Moreover, this burden shifting

^{1/} CBS, Inc. submitted a Petition for Reconsideration of the DTV Orders on June 13, 1997, seeking a new DTV channel for WBBM-TV. Guy Gannett does not oppose that petition. Rather, Guy Gannett opposes Midwest's attempt to force WBBM-TV to move to another channel. While the remedy sought in both petitions may be equivalent, Guy Gannett believes that Midwest is justified in seeking a modification of its own allotment, but unjustified in seeking the forced modification of another party's allotment.

^{2/} As an existing licensee in the same market as WCIA-TV, Guy Gannett asserts standing to oppose Midwest's petition. *See, Applications of MetroCall*, 1996 FCC LEXIS 6802 (1996), and *Pacific Telesis Mobile Services*, Order, 10 FCC Rcd 13238 (1995).

is inconsistent with the Commission's efforts to assure that the burden of the transition to DTV would be equitably distributed among all broadcasters.

As Midwest's petition recognizes, the area surrounding Chicago is particularly troublesome concerning interference between broadcasters during the DTV transition period.^{3/} Guy Gannett is sympathetic to the fact that, as Midwest states in its petition, WCIA-TV will be subject to new interference that will affect 11,000 households,^{4/} but in this tight spectrum market, all area broadcasters face the prospect of new interference. Guy Gannett believes that identifying a *regional* solution is preferable to Midwest's attempt to force WBBM-TV to relocate its DTV channel.

Other factors indicate that Midwest's request is ill-considered. Based on Midwest's petition, the Commission cannot discern whether the supposed interference affects populations that actually view WCIA-TV; nor whether other stations in the Champaign-Springfield DMA face equivalent or even worse cases of interference. Furthermore, this type of NTSC-DTV interference at issue may not come into play for some time as the Commission is initially requiring that DTV broadcasts be of sufficient power to cover only the community of license.^{5/} Perhaps by the time WBBM-TV would provide digital transmissions to its full service area, market penetration of digital television will be great enough so that WCIA-TV's viewers can switch from NTSC Channel 3 to WCIA-TV's DTV

^{3/} Petition at 7.

^{4/} *Id.*

^{5/} *Fifth Report and Order*, MM Docket No. 87-268, FCC 97-116 (released April 21, 1997) at ¶91.

Channel 48 and avoid whatever interference WBBM-TV would create.^{6/} This outcome is, of course, uncertain, but the point is that Midwest has not sufficiently demonstrated that modification to the Commission's DTV Table of Allotments — generated by the guiding principles of replicated service and minimized interference — is at all necessary in this instance, especially in light of Midwest's burden-shifting tactics. Indeed, so ill-considered is Midwest's request, its true motive appears to be to remain operating on Channel 3 outside of the Commission's anticipated core spectrum and to delay the transition to digital television.^{7/}

In sum, while Guy Gannett is sympathetic to efforts to mitigate the effect of the DTV transition, Midwest's approach is not the way to achieve this objective. If Midwest wishes to remedy its potential interference, it should cooperate with in-region broadcasters (as it offers) before seeking to force broadcasters to move to other channels and delay the introduction of digital television. Furthermore, it should provide concrete evidence to show that any proposed modification — whether of its channel assignment or that of another station —


^{6/} With Channel 48 slotted for the core spectrum, Guy Gannett would anticipate that WCIA-TV would *want* to transition viewers from Channel 3 as early as possible.

^{7/} Consistent with this is WCIA-TV's separate petition seeking to leverage the Commission's offer to further test the adequacy of Channels 2-6 into a case of discrimination. *Certain Channel 2-6 Licensees*, Petition for Reconsideration, *Sixth Report and Order*, MM Docket No. 87-268, filed June 13, 1997.

would, in fact, result in no new material interference. For the foregoing reasons, Guy Gannett requests that the Commission reject the Midwest Petition for the reassignment of Channel 3 as the DTV allotment for WBBM-TV in Chicago, Illinois.

Respectfully submitted,

GUY GANNETT COMMUNICATIONS

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CERTIFICATE OF SERVICE

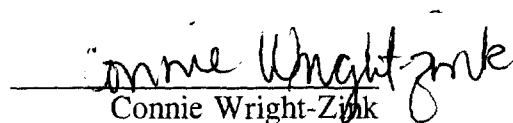
I hereby certify that a true and correct copy of the foregoing Opposition of Guy Gannett Communications was sent by first-class mail, postage prepaid, this 18th day of July, 1997, to each of the following:

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